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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 336**

**The Avian Influenza and Influenza of Avian  
Origin in Mammals (Scotland) Order 2006**

**PART 6**

Measures on confirmation of low pathogenic avian influenza

**Measures when low pathogenic avian influenza is confirmed**

**46.**—(1) If the Scottish Ministers confirm low pathogenic avian influenza on any premises other than regulated places, they must—

- (a) apply (by notice to the occupier of the premises) such of the measures set out in Part 1 of Schedule 6 as they consider necessary to reduce the risk of the spread of avian influenza; and
- (b) ensure that a veterinary inquiry continues at the infected premises.

(2) The Scottish Ministers must not permit any movement otherwise prohibited under Part 1 of Schedule 6 unless they are satisfied that it would not significantly increase the risk of the spread of low pathogenic avian influenza.

(3) In reaching a decision under paragraph (2), the Scottish Ministers must, in particular, take into account the criteria set out in Part 2 of Schedule 6.

(4) An inspector who knows or suspects that any poultry or other captive bird in transit is infected or contaminated with low pathogenic avian influenza must serve a notice on the keeper of the bird—

- (a) directing transport of the bird to such premises as the inspector thinks fit; and
- (b) requiring the detention at such place as the inspector directs of any vehicle, equipment or other thing suspected of being contaminated until it has been cleansed and disinfected as directed by the inspector.

(5) The owner of the bird is liable for any expenses arising from the transport of any bird (including feeding, watering and any other expenses incurred in relation to the welfare of the bird).